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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,913	11/18/2003	Robert H. Johnson JR.	JOH 004 N4	9659
29673	7590	04/19/2004		
STEVENS & SHOWALTER LLP 7019 CORPORATE WAY DAYTON, OH 45459-4238			EXAMINER	VAN, QUANG T
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/715,913	JOHNSON, ROBERT H. 
	Examiner	Art Unit
	Quang T Van	3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20031118</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,677,559 in view of Kishi et al (US 5,476,908). U.S. Patent No. 6,677,559 discloses a thermal processing agent; a thermoset material, said thermal processing agent being dispersed in or on, coated upon or otherwise associated with said thermoset material whereby said thermoset material is thermally processed by said thermal processing agent when exposed to an alternating magnetic field and said thermal processing agent comprising fibers including ferromagnetic material having a permeability greater than 1; said fibers being of a selected composition of one or more ferromagnetic materials; and said fibers having a heating efficiency of greater than 150% of the heating efficiency of 74-420 $\mu$  iron powder in a corresponding alternating magnetic field (claim 1). However, U.S. Patent No. 6,677,559 does not disclose a thermoset material is an adhesive or sealant composition. Kishi discloses a thermoset material is an adhesive or sealant composition

(col. 1, lines 19-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in U.S. Patent No. 6,677,559 a thermoset material is an adhesive or sealant composition as taught by Kishi in order to use widely in a variety of industrial fields for bonding or sealing.

3. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,423,953 in view of Ishida (US 3,953,660). U.S. Patent No. 6,423,953 discloses a thermal processing agent; a plastic material, said thermal processing agent being dispersed in or on, coated upon or otherwise associated with said plastic material whereby said plastic material is thermally processed by said thermal processing agent when exposed to an alternating magnetic field and said thermal processing agent comprising fibers including ferromagnetic material having a permeability greater than 1; said fibers being of a selected composition of one or more ferromagnetic materials; and said fibers having a heating efficiency of greater than 150% of the heating efficiency of 74-420 $\mu$  iron powder in a corresponding alternating magnetic field (claim 1). However, U.S. Patent No. 6,423,953 does not disclose a plastic material is an adhesive or sealant composition. Ishida discloses a plastic material is an adhesive or sealant composition (col. 2, lines 13-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in U.S. Patent No. 6,423,953 a plastic material is an adhesive or sealant composition as taught by Ishida in order to use widely in a variety of industrial fields for bonding or sealing.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Pothier can be reached on 703-308-0265. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
QV  
April 15, 2004

  
Quang T Van  
Primary Examiner  
Art Unit 3742